

**04-0326 J.C.G. v. Mountain Stream Construction Issued: 5/18/05**

Mountain Stream Construction asks the Utah Labor Commission to review Administrative Law Judge La Jeunesse's award of benefits to J. C. G. under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12 and Utah Code Ann. §34A-2-801(3).

**BACKGROUND AND ISSUE PRESENTED**

Mr. G. filed a claim for workers' compensation benefits against Mountain Stream. Because Mountain Stream did not file an answer or appear at the hearing, Judge La Jeunesse entered default against it and awarded benefits to Mr. G.. Mountain Stream now alleges it received no notice of hearing and requests relief from its default.

**DISCUSSION AND CONCLUSION OF LAW**

Under § 63-46b-11 of the Utah Administrative Procedures Act and the Utah Rules of Civil Procedure, Mountain Stream's request for relief from default must be decided by Judge La Jeunesse. The Commission remands this matter to Judge La Jeunesse for that purpose. If Mountain Stream is dissatisfied with Judge La Jeunesse's ruling, it may then seek Commission or Appeals Board review.

**ORDER**

The Commission remands this matter to the Adjudication Division for further proceedings consistent with this decision. It is so ordered.

Dated this 18<sup>th</sup> day of May, 2005.

R. Lee Ellertson, Commissioner